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EXAMINER

TRUONG, LECHI

ART UNIT

PAPER NUMBER

2126

DATE MAILED: 07/06/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/895,716

Applicant(s)

KAMBHAMMETTU ET AL

Examiner

LeChi Truong

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/05/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-23 are presented for examination.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US. Patent 6,219,676 B1) in view of Barroux (US. Patent 5,923,850).
4. As to claim 1, Reiner teaches the invention substantially as claimed including: periodic audits (content is added, changed or deleted ... update may be form of time stamp, col 7, ln 30-65), the customer system (the server 14a, col 7, ln 30-65/ col 9, ln 5-35), information (the data, col 9, ln 5-35), an application server (cache sever 14b/ cache coherency includes a processor for running operating code, col 2, ln 35-62/ col 7, ln 30-65/ col 9, ln 5-35), network (networks N1, col 5, ln 20-39, Fig. 1), determining whether the changes (determine whether an update have occurred, col 7, ln 30-65), monitoring ( monitor area, col 2, ln 35-60).
5. Reiner does not teach predetermined audit interval, an agent program that collects information. However, Barroux teaches predetermined audit interval (the configuration

Art Unit: 2126

information both at the first time and a the last time/col 1, ln 60-67/ col 9, ln 20-30/ builds an interval schedule for task, col 4, ln 5-8/tracks elapsed time, col 4, ln 25-30), and agent program that collects information (a tool for collecting, col 3, ln 42-45/ Integrated resource 200 collects and analyzes information, col 4, ln 10-14/ task scheduler 302 ... writes incoming collected data to asset database, col 4, ln 30-40).

6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Reiner and Barroux because Barroux's the configuration information both at the first time and a the last time/ tracks elapsed time/ Integrated resource 200 collects and analyzes information would track and extract data configuration, to accumulate data and to collect data for the evolution of schedule including estimated cost, available functionality and quality level.

7. **As to claim 2**, Reiner teaches a predetermined set of information (the time stamp, col 7, ln 30-65/ predetermined set of factor, col 9, ln 25-45), the customer system (web server 14a, col 7, ln 30-65), a set of change (update has occurred/ the change log 112 has been altered, col 7, ln 30-63), a predetermined set of information recorded during a previous audit (the time it last checked, col 7, ln 40-63), comparing (compare, col 7, ln 40-63), storing said change date on a database server (maintaining a change log at the web sever, col 2, ln 46-60/ col 10, ln 10-67), network( networks N1, col 5, ln 20-39).

8. **As to claim 3**, Reiner teaches operating system files, file system, registry, and application software files (file type (graphic, web page), section or directory ... or by some other means, col 8, ln 18-40).

Art Unit: 2126

9. **As to claim 15, 16, 17**, they are apparatus of claims 1, 2, 3. Therefore, they are rejected for the same reasons as claim 1, 2, 3 above.

10. Claims **4, 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US. Patent 6,219,676 B1) in view of Barroux and further in view of McDonald et al (US. Patent 6,530,065 B1).

11. **As to claim 4**, Reiner and Barroux do not teach compress. However, McDonald teaches compress (compressing the waveform file for transmission, col 16, ln 60-67)/ compressing the reduced waveform data, col 37, ln 1-5)

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Reiner, Barroux and McDonal. Because, McDonald's compress would provide the efficient transmission between the client and server.

13. **As to claim 18**, it is an apparatus of claim 4. Therefore, it is rejected for the same reason of claim 4 above.

14. Claims **5, 6, 7, 19-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US. Patent 6,219,676 B1) in view of Barroux and in view of Jim Whitehead (Re: Snapshots) and further in view of Blea et al (US. Patent 6,212,531 B1).

15. **As to claim 5**, Reiner teaches the customer system (the server 14a, col 7, ln 30-65/ col 9, ln 5-35), a first X (a time stamp, col 7, ln 40-63), a second Y (the time it last checked, col 7, ln

Art Unit: 2126

40-63), comparing (compare, col 7, ln 40-63), storing said change date on a database server (maintaining a change log at the web sever, col 2, ln 46-60/ col 10, ln 10-67), network (networks N1, col 5, ln 20-39).

16. Reiner and Barroux do not teach X and Y as snapshot, checking out, checking in.

However, Jim Whitehead teaches X and Y as snapshot, checking out, checking in (defining a snapshot as being just a special kind of collection that you can check out, freely add and delete members, and then check-in, page 2, ln 1-5-24).

17. It would have been obvious obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Reiner, Barroux, and Jim Whitehead because Jim's snapshot, check in, check out would roll back to any state quicker.

18. Reiner, Barroux and Jim Whitehead do not teach suspending periodic auditing when taking a snapshot and resuming periodic auditing. However, Blea teaches suspending periodic auditing when taking a snapshot and resuming periodic auditing (suspend any further updates to source volume and perform snapshot to source volume and resume updates to source data / Fig. 3).

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Reiner, Barroux, Whitehead and Blea's because Blea's "suspend and update to source" would provides a logically consistent view of the source virtual volume at a common point in time.

20. As to claims 6, 7, 19-21, they are apparatus claims of claims 3, 4, 5. Therefore, they are rejected as the same reasons of claims 3-5 above.

Art Unit: 2126

21. Claims 8, 9, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US. Patent 6,219,676 B1) in view of Barroux (US. Patent 5,923,850) and further in view of BrainTree (Policy manager).

22. As to claim 8, Reiner teaches the change data (content is added, changed or deleted ... update may be form of time stamp, col 7, ln 30-65).

23. Reiner and Barroux do not teach a set of rule from a database server, applying the set of rule the change data to determine whether any of said set of rules has been violated and taking an action associated with a rule violated. However, BrainTree teaches a set of rule from a database server, applying the set of rule the change data to determine whether any of said set of rules has been violated and taking an action associated with a rule violated (the set of standard rules covering all aspects of database security, a rule evaluation engine, which a violation may occur, since the violation records contain ... indirect security loopholes are quickly exposed and resolved, page 2, left col, ln 1-47 to right col, ln 1-1-20).

24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Reiner, Barroux and BrainTree because Brain Tree's "the set of standard rules covering all aspects of database security, a rule evaluation engine, which a violation may occur" would allow security administrators, database administrators, and auditors, to define, implement and enforce security policies in client/serser RDBMS environments.

25. As to claim 9, BrainTree teaches the rule base which may be stored in any database (page 2, left col, ln 1-47).

Art Unit: 2126

26. **As to claims 22, 23.** They are apparatus claims of claims 8- 9. Therefore, they are rejected for the same reasons as claim 8-9 above.

27. Claim **10-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US. Patent 6,219,676 B1) in view of Barroux (US. 5,923,850) in view of Michael L. nelson (The NASA Technical report server).

28. **As to claim 10,** it is an apparatus claim of claim 1; therefore it is rejected for the same reason as claim 1 above. In additional, Reiner and Barroux do not teach the report server to generate reports of the server. However, Nelson teaches the report server to generate reports of the server (technical report server (NTRS) to update and maintain data locally ... to various servers, sec: Services Provided/ Fig. 2).

30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching Reiner, Barroux and Nelson because Nelson 's the report server would provide a slow use access time, non compatibility with clients behind firewalls and non compatibility with non-WAID database.

32. **As to claim 11,** Barroux teaches an agent program that collects information (a tool for collecting, col 3, ln 42-45/ Integrated resource 200 collects and analyzes information, col 4,ln 10-14/ task scheduler 302 ... writes incoming collected data to asset database, col 4, ln 30-40).

34. **As to claim 12,** it is an apparatus claim of claims 2. Therefore, they are rejected for the same reason as claim 2 above.



Art Unit: 2126

35. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US. Patent 6,219,676 B1) in view of Barroux (US. Patent 5,923,850) in view of Michael L. nelson (The NASA Technical report server) and further in view of McDonald et al (US. Patent 6,530,065 B1).

36. As to claim 13, Reiner and Barroux and Michael do not teach compress. However, McDonald teaches compress (compressing the waveform file for transmission, col 16, ln 60-67)/ compressing the reduced waveform data, col 37, ln 1-5)

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Reiner, Barroux, Michael and McDonald. Because, McDonald's compress would provide the efficient transmission between the client and server.

37. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US. Patent 6,219,676 B1) in view of Barroux (US. Patent 5,923,850) in view of Michael L. nelson (The NASA Technical report server) in view of Jim Whitehead (Re: Snapshots) further in view of Blea et al (US. Patent 6,212,531 B1).

38. As to claim 14, Reiner teaches the customer system (the server 14a, col 7, ln 30-65/ col 9, ln 5-35), a first X (a time stamp, col 7, ln 40-63), a second Y (the time it last checked, col 7, ln

Art Unit: 2126

40-63), comparing (compare, col 7, ln 40-63), storing said change date on a database server (maintaining a change log at the web sever, col 2, ln 46-60/ col 10, ln 10-67), network (networks N1, col 5, ln 20-39).

16. Reiner and Barroux, Michael do not teach X and Y as snapshot, checking out, checking in. However, Jim Whitehead teaches X and Y as snapshot, checking out, checking in (defining a snapshot as being just a special kind of collection that you can check out, freely add and delete members, and then check-in, page 2, ln 1-5-24).

17. It would have been obvious obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Reiner, Barroux, Michael and Jim Whitehead because Jim's snapshot, check in, check out would roll back to any state quicker.

18. Reiner, Barroux , Michael and Jim Whitehead do not teach suspending periodic auditing when taking a snapshot and resuming periodic auditing. However, Blea teaches suspending periodic auditing when taking a snapshot and resuming periodic auditing (suspend any further updates to source volume and perform snapshot to source volume and resume updates to source data / Fig. 3).

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Reiner, Barroux, Michael, Jim Whitehead and Blea because Blea's "suspend and update to source" would provides a logically consistent view of the source virtual volume at a common point in time.

#### **Response to the argument**

20. Applicant's arguments filed 4/5/2004 have been considered but are not moot in view of the new ground(s) rejection.

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

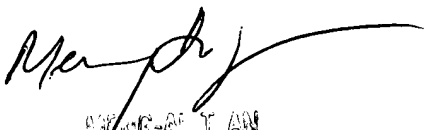
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished

Art Unit: 2126

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LeChi Truong

June 25, 2004



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